IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

Crl.MC.No. 1858 of 2007()

AGAINST THE ORDER IN CC. 530 /1999 IN LP.46/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PARAPPANANGADI

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PETITIONER/1ST ACCUSED:

MULLUMADAKAL MUHAMMAD,
S/O. KUNJIMOIDEEN, KEECHERI HOUSE,
AL AMEEN NAGAR ROAD, CHEMMAD, MALAPPURAM DISTRICT.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS/STATE/COMPLAINANT:

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM.

2. STATION HOUSE OFFICER,
TIROORANGADI POLICE STATION, MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1858 of 2007

Dated this the 11th day of June, 2007

ORDER

Petitioner is the accused in a prosecution under Section 498 A I.P.C. The petitioner was not available for trial and the case against him has been transferred to the list of Long Pending Cases by the learned Magistrate. The petitioner apprehends imminent arrest. The petitioner's counsel submits that the petitioner is willing to appear before the learned Magistrate and seek bail in the regular and ordinary course, but apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release him on bail when he appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. The learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction

appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

4. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-